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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,163	05/31/2002	Norbert Hog	10191/2202	4826
26646	7590	10/20/2003	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			ALAVI, ALI	
			ART UNIT	PAPER NUMBER
			2875	
DATE MAILED: 10/20/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/031,163

Applicant(s)

HOG ET AL.

Examiner

Ali Alavi

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's pre-amendment filed on 5/31/02 has been entered. Accordingly, claims 1-11 have been canceled. Claims 12-23 have been added, and now, claims 12-23 are pending in this application.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 12-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Michenfedler et al (US Pat. No 6,376,824).

The applied reference has a common assignee and a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention

disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 12, Michenfelder discloses a light sensitive sensor unit (4) including at least two light sensitive sensors (14, 16, fig. 1) including light guide elements (31, fig. 1) having a predetermined reception characteristic (col. 3, lines 64-66), the at least two sensors including at least two sensors including at least one first sensor detecting global lighting conditions (22, col. 4, lines 1-5) and at least one second sensor detecting lighting conditions in a predetermined directions (figs 6a-6d), the light guide elements being joined in one piece to form a light guide body (10, col. 3, lines 63-65).

Regarding claims 13, Michenfelder discloses the claimed invention as applied above in claim 12 and further discloses that the sensor unit is for automatic switching of lighting devices in a motor vehicle (col. 4, lines 5-6).

Regarding claims 14, Michenfelder discloses the claimed invention as applied above in claim 12 and further discloses that the at least two sensors include at least three sensors (16, 20, 14) detecting light from predetermined directions.

Regarding claims 15, Michenfelder discloses the claimed invention as applied above in claim 13 and further discloses that at least one of the sensors is aligned with a predetermined direction in a direction of travel of the vehicle (40, fig. 1).

Regarding claims 16, Michenfelder discloses the claimed invention as applied above in claim 13 and further discloses that at least one of the sensors detects lighting

conditions in a predetermined direction and forms an angle with a straight line in a direction of travel of the vehicle (40, fig. 1, col. 6, lines 45-46).

Regarding claims 17, Michenfelder discloses the claimed invention as applied above in claim 13 and further discloses that the at least two sensors include two sensors on each side each enclosing an angle with a straight line pointing in a direction of travel and having a common light-sensitive sensor element (20, fig. 1).

Regarding claims 18, Michenfelder discloses the claimed invention as applied above in claim 12 and further discloses that the light guide elements are joined such that there is a smooth transition between the light guide elements (fig. 1).

Regarding claims 19, Michenfelder discloses the claimed invention as applied above in claim 12 and further discloses that the light guide elements include light detection cones that overlap (fig. 1, lines 10-15).

Regarding claims 20, Michenfelder discloses the claimed invention as applied above in claim 12 and further discloses that the sensor elements distinguish between daylight and artificial light (22, 20, fig. 1, col. 4, lines 1-9).

Regarding claims 21, Michenfelder discloses the claimed invention as applied above in claim 12 and further discloses that an analyzer unit for distinguishing between daylight and artificial light (col. 4, line 41).

Regarding claims 22, Michenfelder discloses the claimed invention as applied above in claim 12 and further discloses that the light guide body is integrated into a light guide body of a rain sensor device (28, fig. 1).

Regarding claims 23, Michenfelder discloses the claimed invention as applied above in claim 22 and further discloses that the light guide body is made in a multicomponent injection molding process, together with the light guide body of the rain sensor device and a coupling medium (col. 4, lines 55-58, col. 2, lines 40-41).

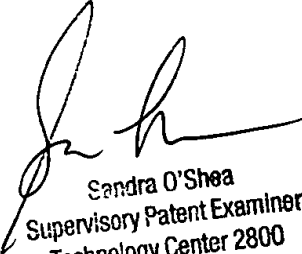
### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maeno et al (US Pat. No 6,507,015 B1) disclose a raindrop sensor having plano-convex lens is cited of interest.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (703) 305-0522. The examiner can normally be reached between 8:00 A.M. to 4:30 P.M. Monday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (703) 305-4939 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

Ali Alavi

10/07/03

  
Sandra O'Shea  
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